

Exhibit K

415R



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

[] NEW	[] INTERIM	[X] REVISED	SUBJECT CHEMICAL AGENTS			
EFFECTIVE DATE 3/7/17		TERMINATION DATE / /				
CLASSIFICATION # 4510R-H	SUPERSEDES 4510R-G	DATED 02/24/15	APPROVED FOR WEB POSTING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DISTRIBUTION D	PAGE 1 OF 20 PAGES	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER <i>Martin J. Murphy</i>			AUTHORIZED BY THE COMMISSIONER <i>Joseph Ponte</i>			
MARTIN J. MURPHY, CHIEF OF DEPARTMENT SIGNATURE			JOSEPH PONTE SIGNATURE			

I. INTRODUCTION

- A. The use of chemical agents has proven to be an effective method of controlling certain situations. However, the use of chemical agents must be carefully evaluated prior to application. Excessive use or prolonged exposure can result in harmful effects to the individuals involved. Therefore, chemical agents shall be used with the utmost discretion. The spirit and intent of this Directive is to permit the Department to employ the use of a tool (chemical agent) that would minimize physical confrontations between staff and inmates thereby reducing physical injuries to both parties.
- B. As delineated in this Directive, the procedures for the use of authorized hand-held chemical agents are specifically differentiated from procedures regarding the use of all other approved chemical agents.

II. PURPOSE

The purpose of this Directive is to establish New York City Department of Correction (Department) policy, guidelines, and procedures for the use of hand-held aerosols and other authorized chemical agents.

III. POLICY

- A. The procedures contained herein shall be strictly complied with by all members of the Department.
- B. Chemical agents shall only be used as authorized and justified in accordance with this policy and the provisions set forth in Directive 5006R-C, "Use of Force," or its successor.

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III. POLICY (Cont.)

- C. Hand-held aerosols and other chemical agents shall only be used when appropriate and in accordance with both New York State Law and Departmental regulations, outlined herein and in Directive 5006R-C, or its successor.
- D. Random and arbitrary use of chemical agents is strictly forbidden.
- E. Unless specifically prohibited by the Chief of Department and/or the Chief of Security, all facilities and divisions are authorized to use hand-held aerosols.
- F. Hand-held aerosols may be authorized at the command level. Only the MK-3, MK-4, or MK-6 shall be a part of the authorized daily uniform and equipment of all Captains and authorized/certified correction officers. Prior authorization from Headquarters and notification to the Central Operations Desk (COD) is not required.
- G. The use of all other chemical agents (other than hand-held aerosols) shall only be authorized by one (1) of the following individuals:
 - 1. Commissioner or designee;
 - 2. First Deputy Commissioner or designee;
 - 3. Chief of Department or designee;
 - 4. Bureau Chief;
 - 5. Assistant Chief; and/or
 - 6. Departmental Duty Officer or designee not to extend below the rank of Assistant Deputy Warden.

IV. GUIDELINES

A. INQUIRY CONCERNING MEDICAL CONTRAINDICATIONS

- 1. Prior to the use of any chemical agent (other than the hand-held units MK-3, MK-4, MK-6, and MK-9) against an inmate(s), the Tour Commander or his/her designee shall notify facility health services staff to determine from such staff whether there is a medical reason (contraindication) why chemical agents should not be used. Where time and circumstances permit (e.g., anticipated use of force situations), and regardless of the type of chemical agent that may be used, the tour commander should consult with medical staff for contraindications. In emergency circumstances where a delay in the use of a chemical agent would present an immediate threat of death or serious injury or would severely threaten the safety or security of the facility, no such notification must be made nor medical clearance obtained.

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IV. GUIDELINES (Cont.)

2. **In an Anticipated Use of Force involving an inmate who is known to be housed in a Mental Observation housing area, where time and circumstances permit, the supervisor shall make every effort to consult with on site facility mental health staff to gather pertinent information about the Inmate's mental health status and request their intervention prior to deploying chemical agents or the Electronic Immobilization Shield.**

B. HAND-HELD CHEMICAL AGENTS

The use of handheld chemical agents is restricted to trained personnel only.

1. Type

Only Orthochlorobenzalmalononitrile (CS) or Oleoresin Capsicum (OC) contained in an aerosol dispenser in liquid or dust form is authorized for use within the Department.

2. Authorized Products

Note: The letters (CS) or (OC) must be legible.

- a. Federal Lab 587 CS dust, large black container with dark blue label.
- b. Security Equipment Corp. Sabre Red MK-6 OC (10% concentration), black container with light blue label.
- c. Sabre Red Dual Propellant System MK-3 OC (10% concentration), black container with black label.
- d. Sabre Red Dual Propellant System MK-4 OC (10% concentration), black container with black label.
- e. Sabre Red Crossfire (Odorless Gel) MK-4 OC (10% concentration), red container with black label (For use in medical, school, and visitor areas).
- f. Sabre Aerosol Projector MK-9 (designed for crowd control and cell extractions) and "Cell Buster" OC (10% concentration) black container with black label.

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IV. GUIDELINES (Cont.)

g. Sabre Phantom Aerosol Grenade AGPTM-10 (10% concentration), black container with blue label (For cell extraction Emergency Service Unit use only).

h. Sabre Phantom Aerosol Grenade AGPTM-40 (10% concentration), black container with blue label (Emergency Service Unit use only).

3. Anticipated effects of CS include:

- a. Visual impairment (tearing);
- b. Coughing and/or sneezing;
- c. Painful burning of eyes and throat;
- d. Extreme temporary pain or discomfort in all the moist, warm parts of the body including mucous membranes and throat;
- e. Skin irritation including blistering after long exposure;
- f. Compressed chest and panic caused by inability to breathe properly;
- g. Desire but inability to defecate;
- h. Possible immobilization; and
- i. Other individualized side effects.

Note: All staff should be aware that some individuals with mental disorders or those under the influence of alcohol or narcotics will be affected by chemical agents, however, they may not show the desired effects.

4. Anticipated effects of OC include:

- a. Swelling of the mucous membranes;
- b. Immediate involuntary closing of the eyes;
- c. Uncontrollable coughing;
- d. Gagging;
- e. Gasping for breath; and
- f. Sensation of intense burning of the skin and mucous membranes inside the nose and the mouth.

Note: All staff should be aware that some individuals with mental disorders or those under the influence of alcohol or narcotics will be affected by chemical agents, however, they may not show the desired effects.

5. **Material Safety Data Sheets (MSDS) shall be posted in all control rooms, clinics, staff locker rooms, and security offices.**

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IV. GUIDELINES (Cont.)

6. Commanding officers of each facility and division shall designate staff members who shall be authorized/certified to use and/or dispense hand-held aerosols.
7. Unlike the MK-3, MK-4, and MK-6, the MK-9 is designed for crowd management and cell extractions. As such, commanding officers of each facility and division shall ensure their Probe Team Supervisors are carrying an operational MK-9 handheld unit when responding to facility alarms. In the event additional MK-9 handheld units are required to be dispatched to the area, the on-duty Tour Commander shall provide the additional MK-9 handheld units as necessary.

Note: Commanding officers of each facility and division shall ensure supervisors assigned to the Probe Team have been trained and are currently certified in the use of the MK-9 handheld unit.

8. Certification/re-certification in the use of chemical agents shall be conducted through training programs coordinated by the Correction Academy or Emergency Service Unit (ESU) on an annual basis. Each facility shall maintain a list of all members of service and their certification type, date, and expiration date. The list shall be updated as needed by the Deputy Warden for Administration and shall be available at all times in the control room and tour commander's office.
9. Every commanding officer shall ensure that personnel who are responsible for authorizing use of hand-held aerosols, receive instruction as noted in Section IV.B.8.
10. Time permitting, staff anticipating the use of aerosols shall make every attempt to remove from the area of potential contamination all persons for whom the administration of the chemical agent is not intended. Medical staff should also be notified to prepare to provide immediate assistance.

C. CHEMICAL AGENTS - OTHER THAN HAND-HELD AEROSOL

1. Types

Only Orthochlorobenzalmalononitrile (CS) and low toxic or non-toxic smoke are authorized for use within the Department. The following chemical agent delivery systems may be used:

- a. Combustion (burning);
- b. Aerosol liquid;

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IV. GUIDELINES (Cont.)

- c. Aerosol dust;
- d. Blast dispersion;
- e. Liquid dissemination; or
- f. Fog.

2. Color Codes:

a. BLUE (CS)

Grenades or projectiles.

b. YELLOW (Smoke)

Grenades containing low toxic or non-toxic screening smoke.

c. Any agent (other than hand-held aerosols) marked in a color other than the specified color codes shall not be used.

3. Authorized Products and Equipment:

Important Note: Federal Lab and Defense Technology manufacture the authorized products listed below. This list indicates identical products and their corresponding numbers from both manufacturers. The departmental inventory contains products which indicate either Federal Lab or Defense Technology with corresponding numbers as noted below.

- a. Federal Lab #201-Z one and one-half inch (1 1/2") Gas Gun.
- b. Federal Lab #203A one and one-half inch (1 1/2") Gas Gun.
- c. Federal Lab #450A and Defense Technology #459 Grenade Launcher for #201-Z and 203A Gas Guns.
- d. Federal Lab #457 and Defense Technology #1270 Grenade Launcher Cartridge for #201-Z and 203A Gas Guns.
- e. Federal Lab #501 and Defense Technology #1142 Muzzle Dispersion Cartridge: dust type.
- f. Federal Lab #560 and Defense Technology #1182 Long Range Projectile: combustion type, range: 150 yards.

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IV. GUIDELINES (Cont.)

- g. Federal Lab #570 and Defense Technology #2002 Short Range Projectile: combustion type, range: 100 yards.
- h. Federal Lab #530 and Defense Technology #1152 Barricade Projectile: combustion type.
- i. Federal Lab #555 and Defense Technology #1072 Speedheat Grenade: combustion type.
- j. Federal Lab #515 and Defense Technology #1026 Triple Chaser Grenade: combustion type.
- k. Federal Lab #517 and Defense Technology #1032 Flameless Grenade: combustion type.
- l. Federal Lab #514 and Defense Technology #1042 Blast Dispersion Grenade: dust type.
- m. Federal Lab Golden Eagle #3032 Pepper Fogger Generator: fogger type.
- n. Federal Lab #110-HC and Defense Technology #1083 Smoke Grenade: combustion type, low toxic smoke.
- o. Federal Lab F-8-SAF and Defense Technology #1063 Smoke Grenade: combustion type, non-toxic smoke.
- Note: Smoke Grenades are for outdoor use only.
- p. Ispra Model 5 Protectojet Ejector: CS filled.
- q. Sabre Water Based (H2O) Series MK-60: OC.
- r. Sabre Aerosol Projector MK-9 and "Cell Buster": OC.
- Note: The Cell Buster consists of an 18.5 oz MK-9 canister with hose and wand attachment.
- s. Pepperball SA-200 Launcher System (for ESU use only).
- Note: Use of the Pepperball SA-200 Launcher System is outlined in Operations Order 14/07, entitled, "Pepperball System," dated 8/13/07.

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IV. GUIDELINES (Cont.)

Note: Combustion type devices may cause fires if dispensed in close proximity to flammable objects or structures.

4. Prior authorization to use agents (other than hand-held aerosols) must be obtained from one (1) of the aforementioned individuals noted in Section III.G of this Directive.
5. The command unit head or designee shall notify COD and provide the following information:
 - a. Reason for the use of the chemical agent (if other than hand-held aerosols).
 - b. Approximate number of inmates involved.
 - c. Area that the chemical agent is to be dispensed in.
 - d. Any other information that would assist an authorizing individual in rendering an objective decision.

Note: In an emergency, if time precludes the transmittal of notification, chemical agents may be used; however, attempts shall be made to notify COD during the course of using the agents. In any case, COD shall be notified immediately after the chemical agent is dispensed.

6. Prior to using chemical agents (other than hand-held aerosols) the authorizing supervisor from the facility or division shall notify the highest ranking medical staff person on-duty to have adequate medical personnel standing by and to assign medical personnel to triage these cases. In addition, medical staff will be prepared to provide medical assistance to individuals who may require medical treatment due to exposure to chemical agents.
7. During the use of chemical agents (other than hand-held aerosols), a certified supervisory officer shall be present and will direct the dispensing of said agent and all required decontamination procedures, contained herein.
8. Commanding officers of each facility and division shall designate staff members who shall be authorized to use and/or dispense chemical agents (other than hand-held aerosols) and any related equipment.
9. Certification/re-certification in the use of chemical agents shall be conducted by the Correction Academy and ESU on an annual basis.
10. Commanding officers of each facility and division shall ensure that personnel who are responsible for authorizing and/or using chemical agents receive instruction as noted in Section IV.B.8.

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IV. GUIDELINES (Cont.)

D. STORAGE OF ALL CHEMICAL AGENT EQUIPMENT

1. Chemical agent munitions and related devices shall be stored within officially designated areas only and be maintained in a safe and secure manner. Such storage shall ensure that only persons trained in the use of such articles have access to them.
2. A captain assigned to the Security Office in each facility shall be responsible for the inventory of all chemical agents, including the expiration date, and related equipment and shall retain a copy of each quarterly inspection performed by ESU. He/she shall be trained annually in the Department's prescribed chemical agent course. ESU shall ensure that all canisters are removed from service at least one day prior to the expiration date. Facilities are prohibited from maintaining possession of any expired canister.
3. To avoid corrosion of firearms, CS/OC chemical agent munitions shall not be stored in the same enclosure with firearms.
4. The designated area for CS chemical agent munitions storage shall be equipped with a ventilating fan and duct system.

E. QUARTERLY INSPECTION OF CHEMICAL AGENTS AND RELATED EQUIPMENT

1. Quarterly inspections of all chemical agents and related equipment shall be performed and documented by ESU. A written record of all such inspections shall be maintained which shall include, but need not be limited to:
 - a. The name of the person(s) inspecting the articles;
 - b. The date of inspection;
 - c. The type and quantity of articles stored and inspected; and
 - d. A description of their condition and expiration date.
2. No chemical agent products should be used beyond the expiration date except for training purposes.
3. All expired chemical agent products shall be separated from current stock and transferred by ESU for disposal.
4. All defective chemical agent equipment shall be tagged with Form CAM-1, "Chemical Agent Malfunction Form" (Attachment A), and immediately separated from active arsenal stock. The facility shall contact the

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IV. GUIDELINES (Cont.)

Special Operations Division (SOD) to arrange a transfer of the equipment for disposal.

5. Equipment in need of repair shall be transferred by ESU accompanied with a written memorandum (Form 600-AR) to the SOD Commanding Officer describing the existing problem.

V. PROCEDURES

A. HAND-HELD AEROSOL

1. General
 - a. Certified correction officers designated by the commanding officer of the facility and all certified Captains shall be permitted to use the approved hand-held aerosol dispenser.
 - b. Prior to using the hand-held aerosol dispensers, attempts should be made to resolve the situation by other means (e.g., interpersonal communication skills, supervisory response, etc.). Further, the subject shall be warned that chemical agents will be used if the subject continues his/her misconduct. The "device" shall be used with the utmost discretion.
 - c. Facilities must develop an approved secure area in the Control Room to permit the proper storage and accountability of hand-held product. Staff shall not store hand-held aerosol dispensers in their lockers, except when authorized by the Commissioner or Chief of Department.
 - d. Whenever any member is issued and receives a departmental hand-held dispenser and holster, the following notations shall be made in the designated logbook:
 - i. Name, rank, and shield number of each person issued a canister and holster.
 - ii. Date and time the equipment was issued and returned.
 - iii. Identification numbers of each piece of equipment (canister and holster) **and the canister's expiration date**.

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V. PROCEDURES (Cont.)

e. Each facility shall maintain a master list of personnel who are authorized/certified to use hand-held dispensers.

f. Hand held units (CS/OC) may be used outdoors.

2. Authorized Use

The use of a hand-held dispenser is authorized in the following situations:

- a. As a last resort and where there are no practical alternatives available to prevent physical harm to staff, visitors, inmates, or other persons;
- b. To prevent or stop the commission of crimes, including riot, assault, escape, or hostage taking;
- c. To prevent or stop the throwing or spitting of any liquid substance including, but not limited to, saliva, blood, seminal fluid, urine, and feces;
- d. To prevent the destruction of property that raises a safety or security risk;
- e. To effect an arrest when resistance is encountered;
- f. To enforce Departmental or Facility rules, policies, regulations, and/or court orders where lesser means have proven ineffective and there is an immediate need for compliance;
- g. To prevent an inmate from inflicting self-harm;
- h. As a last resort when an inmate in restraints is still dangerous to himself/herself and/or others.

Note: The MK-3, MK-4 and MK-6 hand-held aerosol units are not as effective against large groups or in large areas. It is more effective in one-on-one or one-on-two situations, and in small cell areas. The MK-9 is designed for use against larger groups and in larger areas. The MK-9 should not be deployed in situations where a single inmate is presenting passive resistance.

3. Prohibited Use

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V. PROCEDURES (Cont.)

The use of a hand-held chemical agent is prohibited in the following situations:

- a. To force an inmate to comply with an officer's verbal orders, except in those situations outlined above in Section V.A.2;
- b. To solicit information;
- c. To discontinue an argument between inmates;
- d. As a threatening gesture;
- e. In response to an inmate's verbal insults, threats, or swearing; or
- f. To punish, discipline, assault, or retaliate against an inmate.

4. Safety Precautions and Use

- a. Prior to using hand held chemical agents, the subject shall be warned that chemical agents will be used if the subject continues his/her misconduct.

Note: Staff are reminded that in an Anticipated Use of Force situation, they must follow Department protocols as set forth in Directive 5006R-C, or its successor.

- b. Hand-held units, when used, shall be directed at the appropriate area of the subject as follows:

<u>MAKE AND MODEL</u>	<u>AIM</u>
i. Federal Lab #587 (CS) Dust	Above the head
ii. Sabre Red MK-3, MK4, MK4 Gel, and MK-6 OC	Face
iii. Sabre Aerosol Projector MK-9 OC	Face

Note: Do not aim or spray CS agents directly into eyes.

- c. When using the dust hand-held unit, it shall be directed above the head of the subject.
- d. Dust hand-held units have a maximum range of approximately fifteen (15) feet in still air.
- e. **The MK-3, MK-4, MK-4 Gel, and MK-6 handheld units should not be used at a distance of less than three (3) feet. Dispersion directed at an inmate shall be limited to three (3), two (2) second bursts.**

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V. PROCEDURES (Cont.)

- f. Limit application of the 587 (CS) dust hand-held unit to a single, two (2) second burst. If necessary, a total of three (3), two (2) second bursts can be employed.
- g. The Sabre Aerosol Projector MK-9 liquid hand-held units have a minimum deployment range of six (6) feet and a maximum effective range of twenty-five (25) feet. Dispersion directed at an inmate shall be limited to three (3), two (2) second bursts.
- h. The Sabre Aerosol Projector MK-9 OC may be used in conjunction with the Cell Buster attachment (hose and insertion wand). The prescribed method of delivery is to insert the wand under a cell door or via the food slot and deploy the chemical agent for three (3) continuous seconds. If the desired effect is not achieved, staff may apply one (1) additional application for three (3) continuous seconds. No more than two (2) applications of chemical agent as prescribed above may be used. The Cell Buster is only to be used against potential assailants behind cell doors.

Note: When the prescribed method of insertion is obstructed, the wand may be inserted into any section of the cell door that is unobstructed and will allow the proper deployment of the chemical agent.

Caution: Do not spray subject at a range less than three (3) feet. Severe eye, skin irritation, or other injury may occur.

- i. If the desired results are not achieved, the use of the dust unit is recommended. However, this is predicated on a supervisor's approval.

Note: Time permitting, after the initial deployment of chemical agent, the user must assess the inmate(s) to determine if the chemical agent has begun to achieve the desired effect. To do so, the user must give the inmate verbal commands for compliance and observe the inmate's physical condition (e.g., coughing, sneezing, etc.). If there is no compliance or the chemical agent has not reached the desired effect on the subject, the user may elect to deploy another application in an attempt to gain compliance.

Note: Unless force is applied in any other manner, in instances where a member of service attempts to deploy chemical agents but the device malfunctions and no agent is dispersed, the attempted application shall not be considered a use of force. The

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V. PROCEDURES (Cont.)

malfunctioning chemical agent equipment shall be turned into the Tour Commander and the equipment shall be tagged in accordance with Section IV.E.4, above.

j. Under no circumstances shall CS be used in conjunction with the Electronic Immobilization Shield as noted in Directive 4600, "Electronic Immobilization Shield."

k. A controlled avenue of exit must be identified.

Note: Person(s) exposed to CS or OC must not be left unattended.

5. Individual Decontamination and Medical Attention

a. **Decontamination should be provided as soon as feasible, not to exceed a period of five (5) minutes. Under no circumstances shall the subject(s) remain in the contaminated area for a period exceeding five (5) minutes after the hand-held aerosol application. In the event the subject(s) refuses to leave the area, other appropriate means shall be employed to remove the subject within the prescribed time period.**

b. Staff shall remove the individual(s) from the contaminated area.

c. Staff shall advise the individual(s) not to rub his/her eyes. Salves, oil or grease medications, or creams (e.g., butter, cold cream, petroleum jelly, lanolin, etc.) should not be applied to contaminated areas on the body. These applications tend to further entrap the agent causing intense irritation and blistering of the skin.

d. Staff shall not bandage or cover the affected skin areas.

e. If possible, staff shall bring the individual(s) out into fresh air or use a fan and have him/her face the wind.

f. Staff shall have the individual(s) remove contaminated clothing. Clothing should be washed or destroyed.

g. The subject(s) shall shower or wash in cool water (flush contaminated skin areas with large quantities of cool water). Staff shall calm and reassure subjects that they will receive medical attention and decontamination.

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h. After the individual decontamination has been completed, the area supervisor shall ensure that prompt medical attention is given to the individual(s) affected by the dispensing of the chemical agent. This prevents the contamination of the medical environment.

Note: Severe eye and/or skin irritation with CS may occur if hand-held chemical agents are dispensed at a distance less than three (3) feet from the subject. If at any time it is apparent that the chemical agent has been used at a range closer than three (3) feet and has affected an individual's eyes, immediate medical attention shall be obtained for the person in question (flush with large amounts of cool water).

6. Whenever a hand-held chemical agent is used, the following shall be complied with:

- Immediately report the incident to a supervisory officer.
- A notation of the incident shall be made in the memo-book of the officer/supervisor who dispensed the agent and countersigned by the investigating supervisor.
- Record the incident in both the Area and Central Control Room Logbooks.
- Prepare "Use of Force Reports" (Forms 5006 A-D).
- Ensure all contaminated persons (inmates and staff) receive immediate medical treatment.
- Obtain all applicable medical reports and evaluations from facility medical personnel.
- Prepare any other reports and forms as required by Department regulations.

7. Review of Hand-Held Chemical Agents Utilization (Written Evaluations)

- Each incident involving the use of the hand-held chemical agents including accidental discharge shall be reviewed by the respective commanding officer and Deputy Warden for Security.

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- b. The commanding officer and the Deputy Warden for Security shall review the incident to ascertain whether or not Departmental procedures governing the use of the hand-held chemical agents were adhered to.
- c. Said review shall take place within twenty-four (24) hours or no later than the next business day following the incident.

B. CHEMICAL AGENTS - OTHER THAN HAND-HELD AEROSOL

- 1. General
 - a. Whenever chemical agents are to be used in congregate areas, those individuals who request to be removed shall be immediately evacuated unless circumstances preclude this action.
 - b. Chemical agents can be extremely dangerous to persons (staff and inmates) known to have heart or respiratory ailments. Every effort shall be made to safeguard these individuals from being exposed to chemical agents.
 - c. Prior to using chemical agents (other than hand-held) the facility's ventilation system should be shut down.
 - d. The following precautionary measures should be taken prior to entering an area with a concentration of chemical agents:
 - i. Contact lenses and eyeglasses should be removed.
 - ii. Oil-based makeup or lotions should be removed from exposed skin areas.
 - iii. Jewelry should be removed (including watchbands).
 - iv. Tight-fitting clothing around the neck, wrist, and ankle areas should be loosened but skin should remain covered where possible.
 - e. Precautions shall be taken to ensure that chemical agents do not contaminate hospital, clinic, and other medical areas.

NEW MATERIAL BOLD AND UNDERLINED

DEF 007625

416R

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V. PROCEDURES (Cont.)

- f. In any situation where chemical agents are being used, a controlled avenue of exit shall be provided for the inmates and other personnel. All staff in or entering an area where chemical agents have been or are about to be employed must wear a protective mask.
- g. When using chemical agents, all personnel present shall be issued protective masks and must wear them.
- h. Combustion and/or low-toxic smoke chemical agents are designed for use against large groups and in outdoor areas. In a single cell or small room situations, or in cases where it is desirable to limit the size of the affected area, these types of agents should not be employed.

Note: When selecting a product(s) to use, care must be taken to avoid introducing excessive volumes. Consider the size of the area, number of people involved, ceiling height and, in ounces, weight of the product(s).

2. Individual Decontamination and Medical Attention

- a. Remove the individual(s) from the contaminated area to fresh air or a fan where possible.
- b. Advise the individual(s) not to rub their eyes. Salves, oil or grease medications or creams (e.g., butter, cold cream, vaseline/petroleum jelly, lanolin, etc.) should not be applied to contaminated areas on the body. These applications tend to further entrap the agent causing intense irritation and blistering of the skin.
- c. Do not bandage or cover the affected skin areas.
- d. If possible, bring the individual(s) out into fresh air or stand the individual(s) in front of a fan for approximately three (3) to five (5) minutes. Said individual(s) should face the wind and shake any agent particles from hair and clothing, force their eyes open and allow them to tear. Advise them not to rub their eyes.
- e. Have the individual(s) remove contaminated clothing. Clothing should be washed or destroyed.

NEW MATERIAL BOLD AND UNDERLINED

DEF 007626

416R

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V. PROCEDURES (Cont.)

- f. In cases of extreme exposure, the subjects shall shower or wash in cool or lukewarm running water using non-deodorant soap. Showers must have open drains since CS is not soluble in water and will float. When CS has prolonged contact with skin, burns may result.

Caution: Advise individual(s) not to take baths.

- g. Subjects may also be provided with cool water containing a five percent (5%) solution of sodium bicarbonate (baking soda) and instructed to apply to irritated skin areas.
- h. The area supervisor shall ensure that prompt medical attention is given to all persons affected by the dispensing of chemical agents.

Note: In the event of severe eye and/or skin irritation occurrences, or any other apparent serious reaction to the chemical agents, all affected subjects shall receive immediate medical attention.

- i. Under no circumstances shall an individual remain in the contaminated area for an extended period of time. In the event an individual refuses to leave the area, other appropriate means shall be employed to remove said individual or counter the chemical agent's effects via ventilation/decontamination.

3. Physical Plant Decontamination

The command in which the chemical agent was dispensed shall be responsible for affecting all decontamination procedures as follows:

- a. All inmates shall be removed from the contaminated area(s).
- b. All spent CS casings shall be removed from the affected area(s) and placed in airtight containers.

Note: Spent CS casings, as well as the affected area, are a continuing source of contamination.

- c. Ventilate the contaminated area(s).
- d. If CS dust was employed, a commercial water vacuum shall also be used in the decontamination process. If unavailable, a standard vacuum cleaner shall be used (after dampening the dust/dirt collecting bag).

NEW MATERIAL BOLD AND UNDERLINED

DEF 007627

416R

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V. PROCEDURES (Cont.)

Extreme caution shall be taken to avoid electrical shock or recontamination via the vacuum.

- e. All contaminated surfaces shall be washed with light duty detergent at a mixing ratio of two (2) measuring cups of light duty detergent per gallon of water. The water should be hot.
- f. Food that is unprotected, exposed, or in plastic containers or cellophane wrappings must be disposed of, no exceptions.
- g. Food enclosed in sealed cans shall be saved for future use after said containers have been thoroughly cleansed.
- h. Remove and air out all clothing/bedding (if applicable) and wash, or destroy if heavily soiled.
- i. Where possible, after all of the aforementioned decontamination procedures have been affected, all windows in the area should be closed. The area shall be heated to a constant ninety-five (95) degrees for three (3) to four (4) hours. If the ninety-five (95) degree temperature cannot be achieved, a minimum of eighty (80) to eighty-five (85) degrees for an extended period of at least six (6) hours is necessary. If the existing heating system cannot reach an eighty (80) degree temperature, measures shall be taken to supplement the heating system (e.g., "space" heaters, electric heaters, etc.). Upon completion, open one (1) window and use a large fan to blow out any remaining CS. If any CS residue still remains, re-vacuum with the commercial water vacuum.

VI. REFERENCES

- A. Directive 4600, "Electronic Immobilization Shield," dated 7/9/98.
- B. Directive 5000R-A, "Reporting Unusual Incidents," dated 11/19/04 (as amended).
- C. Directive 5006R-C, "Use of Force," dated 1/31/08 (as amended).
- D. Operations Order 14/07, "Pepperball System," dated 8/13/07.
- E. New York State Penal Law, Article 35 - Defense of Justification, section 35.05, Justification.

NEW MATERIAL BOLD AND UNDERLINED

DEF 007628

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VI. REFERENCES (Cont.)

- F. New York State Correction Law, Subsection 45, Part 6.
- G. New York State Correction Law, Subsection 137, Part 5.
- H. State Commission of Correction, Subtitle AA, Part 7063 - Chemical Agents.

Note: In the event that a reference is superseded, the successor document shall apply.

VII. ATTACHMENTS

- A. Form CAM-1, "Chemical Agent Malfunction Form."

VIII. SUPERSEDES

- A. Directive 4510R-G, "Chemical Agents," dated 2/24/15.
- B. Any other Directive, Operations Order, Teletype, Memorandum, etc., that may be in conflict with the policies and procedures outlined herein.

IX. SPECIAL INSTRUCTIONS

- A. Within ten (10) calendar days of the effective date of this order, all Commanding Officers shall implement a Command Level Order incorporating the policy and provisions outlined herein.
- B. One (1) copy of the command level order shall be forwarded to each respective Assistant Chief.
- C. All facility managers and supervisors shall ensure strict enforcement of the policy, guidelines and procedures noted herein.

NEW MATERIAL BOLD AND UNDERLINED

DEF 007629



CORRECTION DEPARTMENT

CITY OF NEW YORK

CHEMICAL AGENT MALFUNCTION FORM

Form: CAM-1
Rev.: 3/7/17
Ref.: Dir. 4510R-H

ATTENTION

Staff accepting a reported malfunctioning chemical agent device shall ensure the staff member reporting also submits a 600AR written report describing the malfunction and attach it to this form .

SECTION - I TO BE COMPLETED BY DOC STAFF ACCEPTING MALFUNCTIONING DEVICE

DATE:	COMMAND:
UNIT MODEL (MK3, MK4, MK6, MK9):	FACILITY ASSIGNED UNIT NUMBER:
DATE OF MALFUNCTION:	TOUR OF OCCURENCE:
DATE SUBMITTED TO CONTROL ROOM:	TOUR SUBMITTED TO CONTROL ROOM:
DEVICE SUBMITTED BY (NAME OF STAFF MEMBER SURRENDERING):	SHIELD NUMBER:
DEVICE RECEIVED BY (NAME OF STAFF MEMBER ACCEPTING):	SHIELD NUMBER:
CONTROL ROOM SUPERVISOR' SIGNATURE:	SHIELD NUMBER:

Use space below to add additional details if needed::

1. Staff member accepting malfunctioning device shall make appropriate entries and notifications in accordance with Directive 4510R-H.
2. Staff member accepting malfunctioning device shall secure device in a location separate from where functional devices are kept for distribution.
3. Staff members accepting malfunctioning devices shall use extreme care when handling and storing to avoid contamination to the area.

NOTE: Attach 600AR report from surrendering staff member and ensure it includes all details regarding the device's malfunction.

Distribution: Original - Facility Security
Copy - ESU

DEF 007630